

### **REMARKS**

Reconsideration of this Application is respectfully requested.

Claims 2-6, 9, and 10 have been amended. Support for the amended claims is found throughout the specification and the claims as originally filed. No new matter has been added.

Upon entry of the amended claims, claims 1-10 are pending in the application, with claim 1 being the only independent claim.

Based upon the foregoing Amendments and following Remarks, the applicants respectfully request the Examiner reconsider all outstanding objections and rejections, and that they be withdrawn.

The Examiner has indicated that claims 1-9 appear to be free of the prior art.

With the claim amendments and remarks, Applicants believe all of the claims are in condition for allowance.

#### **Rejection under 35 U.S.C. § 112, 2nd paragraph:**

Claims 2-6, 9, and 10 stand rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. According to the Examiner, claims 2-6 and 9 are improperly drafted because the recitation of "said the" is redundant; claim 10 is improperly drafted due to a typographical error and should be drafted as a dependent claim; and claim 6 should depend from claim 5, rather than 2, since claim 5 requires an endogenous promoter.

Applicants respectfully traverse this rejection and request withdrawal of the rejection in view of the claim amendments and following remarks.

Applicants have amended claims 2-6 and 9 to remove the redundancy indicated by the Examiner. Applicants have also amended claim 10 to correct the typographical error, such that claim 10 is now a dependent claim. Further, claim 6 has been amended to

depend from claim 5, rather than claim 2. As such, claims 2-6, 9, and 10 particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Applicants respectfully request reconsideration and withdrawal of this rejection in view of the amendment.

**Rejection under 35 U.S.C. § 102 (b) – U.S. Patent 5,744,326:**

Claim 10 stands rejected under 35 U.S.C. §102(b) as being anticipated by Ill *et al.* (U.S. 5,744,326). The Examiner asserts that the Ill *et al.* reference teaches a recombinant hepatitis B virus vector comprising heterologous sequences which express at least one functional heterologous gene product.

Applicants respectfully traverse this rejection. The Examiner has indicated that claims 1-9 appear free of the prior art. Further, claims 1-9 were not rejected under 35 U.S.C. §102(b) as being anticipated by Ill *et al.* Applicants have amended claim 10 to depend from claim 1. Therefore, based upon this amendment, the Ill *et al.* reference does not anticipate claim 10.

Applicants respectfully request reconsideration and withdrawal of this rejection in view of the amendment and remarks. The pending claims are not anticipated by Ill *et al.*

### CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office action and, as such, the present application is in condition for allowance. Applicants wish to expedite the prosecution process and if the Examiner believes, for any reason that personal communication will help expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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